

USSN 09/160,657  
GAU 2822  
Examiner M. Guerrero

- 4 -

3001  
C2  
-- 60. (New) The semiconductor device of claim 40, wherein said gate oxide layer comprises an oxide of silicon.

61. (New) The semiconductor device of claim 40, wherein said gate oxide layer comprises silicon dioxide or silicon oxy nitride. --

add  
D3  
REMARKS

Entry of the above amendments and reconsideration of this application as amended are respectfully requested. Upon entry of the amendments, this application will contain claims 40-48 and 60-61. Claim 40 has been amended, and claims 60-61 are new claims dependent upon claim 40 (specifically supported at page 10, lines 24-27 of the application).

The amendments to claim 40 are formal in nature. First, the Examiner suggested at the personal interview of March 9, 1999, that it would be preferable to have a more formalized preamble in claim 40. Because it is believed such a preamble will not affect the scope or understanding of the claims, claim 40 has been amended accordingly.

Second, claim 40 has been amended to insert an upper number for the temperature, as suggested by the Examiner in the personal interview. The Examiner's basis for this suggestion was under 35 U.S.C. § 112, in that it was not definite how high the temperature could go. While it is believed that an inherent upper limit would be recognized (i.e. the skilled artisan would not use a

USSN 09/160,657  
GAU 2822  
Examiner M. Guerrero

- 5 -

temperature that would melt or decompose the device components), an upper temperature of 1000°C has been inserted to moot this issue and meet the Examiner's suggestion.

Claims 49-59 have been cancelled, without prejudice, in order to expedite the allowance of this application. In a telephonic interview dated April 28, 1999 between the undersigned and the Examiner, the Examiner indicated that claims 40-48 were in allowable condition, subject to the formal changes discussed above. It was also indicated that the Examiner believed that the current record did not establish the patentability of claims 49-59 over U.S. Patent No. 4620211, U.S. Patent No. 5264724 or H. Park et al., *J. Electrochem. Soc.*, Vol. 139, No. 7, pp. 2042-2046 (July 1992), under the provisions of 35 U.S.C. § 103. While the applicants do not agree, and for the purpose of expediting the allowance of this application, claims 49-59 have been cancelled, and will be pursued in a continuation application that applicant intends to file.

Also, submitted herewith is a Terminal Disclaimer to obviate any obviousness-type double patenting issue in respect of U.S. Patent No. 5,872,387. In addition, formal amendments have been made to the specification to address trademark usage and to correct the serial number for the grandparent application, as discussed in the personal interview.

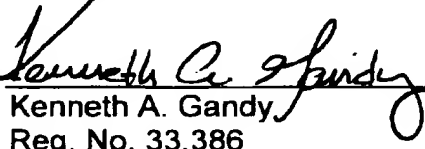
USSN 09/160,657  
GAU 2822  
Examiner M. Guerrero

- 6 -

In view of the foregoing amendments and remarks, it is believed that this application is in condition for allowance containing claims 40-48 and 60-61. Action to that end is solicited.

The Examiner is invited to telephone the undersigned attorney if there are any remaining issues that may be addressed in that fashion to expedite the allowance of this application.

Respectfully submitted,

By   
Kenneth A. Gandy  
Reg. No. 33,386  
Woodard, Emhardt, Naughton,  
Moriarty & McNett  
Bank One Center/Tower, Suite 3700  
111 Monument Circle  
Indianapolis, Indiana 46204-5137

(317) 634-3456

**WOODARD, EMHARDT, NAUGHTON, MORIARTY & MCNETT**

PATENT AND TRADEMARK ATTORNEYS

BANK ONE CENTER/TOWER  
111 MONUMENT CIRCLE, SUITE 3700  
INDIANAPOLIS, INDIANA 46204-5137I hereby certify that this paper is being  
facsimile transmitted to the Patent and  
Trademark office on the date shown below.Karen Gentry  
Print name of person signing certification  
Signature  
May 7, 1999  
Date**FAX COVER SHEET**NO. OF PAGES: COVER SHEET PLUS 8 PAGE(S)

TO: Examiner M. Guerrero \*\*PLEASE DELIVER IMMEDIATELY\*\*

FAX TELEPHONE NO.: 703-308-7722

FROM: Kenneth A. Gandy (kjg)

DATE: May 7, 1999☐ **CONFIRMATION OF RECEIPT REQUESTED IF CHECKED.**ORIGINAL COPY AND ANY ENCLOSURES ☐ WILL BE SENT ☐ BY MAIL ☐ BY COURIER  
☒ WILL NOT

If problems occur during transmission, please contact us at one of the following:

VOICE PHONE number: (317) 634-3456

PRIMARY FAX number: (317) 637-7561

SECONDARY FAX number: (317) 637-7587

Sharp Model FO-3200 Fax uses fastest of CCITT Group 3 or 2 or Sharp EHS mode.

**SPECIAL REMARKS:**

In re patent application of: Joseph W. Lyding et al.; Serial No. 09/1601657

Filed: September 25, 1998; SEMICONDUCTOR DEVICES, AND METHODS FOR SAME

Group Art Unit No. 2822

FAX COPY RECEIVED  
MAY 07 1999

TECHNICAL CENTER 2800

**THIS MESSAGE IS INTENDED ONLY FOR THE ADDRESSEE(S) IDENTIFIED ABOVE.**

It may contain privileged, confidential, attorney work product, or trade secret information that is exempt from disclosure under applicable laws. If you are not the intended recipient, or an employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this message is strictly prohibited. If you have received this facsimile in error, please notify the sender immediately by telephone and return the facsimile (and all copies) to the sender by mail at the above address. The sender will reimburse you for reasonable expenses incurred. Thank you.